

REMARKS

The claims are all patentable since (1) the combinations of references do not have all the elements of the claims and (2) the claims produce new and unexpected results, and (3) there is no motivation for combining the references.

Claims 65-72 and 74-80 are in this case.

(1) The combination of references do not have all the elements of the claims

Howson et al does not suggest, teach or show motivation of monitoring the operations of the operator using a medical imaging machine nor comparing the predetermined series of steps the operator should perform with the actual series of steps the operator performed.

Howson teaches a fluid infusion pump.

Prince does not suggest, teach or show motivation of monitoring the operations of the operator using a medical imaging machine nor comparing the predetermined series of steps the operator should perform with the actual series of steps the operator performed.

Prince teaches a non-magnetic infusion syringe.

Dorne does not suggest, teach or show motivation of monitoring the operations of the operator using a medical imaging machine nor comparing the predetermined series of steps the operator should perform with the actual series of steps the operator performed.

Dorne teaches a billing coding machine.

Even if the combination of Howson, Dorne and Prince is made it does not meet the claims of applicant, since Howson, Dorne and Prince do not teach:

“...a computer for storing a first series of steps that an operator should perform when using said medical imaging machine to perform a medical function...” (an excerpt of Claim 65),

nor teach

“... storing a second series of steps that set forth what the operator performed during the use of said medical imaging machine to perform said medical function,
said computer comparing said first series of steps with said second series of steps.” (Also an excerpt of Claim 65).

Even if the combination of Howson, Dorne and Prince is made it does not meet the claims of applicant, since Howson, Dorne nor Prince do not teach:

“...storing in said computer a predetermined series of steps for operating said medical imaging machine to perform a medical function...” (an excerpt of Claim 69),

nor teach,

“...entering into said computer the actual series of steps of said operator in operating said medical imaging machine, and comparing said predetermined series of steps with said actual series of steps of said operator.” (Also an excerpt of Claim 69).

Even if the combination of Howson, Dorne and Prince is made it does not meet the claims of applicant, since Howson, Dorne and Prince do not teach:

“...providing a medical imaging machine which requires an operator to make a series of steps in order for said medical imaging machine to produce a picture of a body part of a patient, providing a computer, storing in said computer data which represents predetermined steps of said operator during the use of said medical imaging machine to produce a picture of a body part of a patient...” (an excerpt of Claim 76),

nor teach,

“...entering into said computer actual steps that said operator performed in operating said medical imaging machine to produce a picture of a body part of a patient, and said computer comparing said actual steps with said predetermined steps.” (Also an excerpt of Claim 76).

Even if the combination of Howson, Dorne and Prince is made it does not meet the claims of applicant, since Howson, Dorne and Prince do not teach:

“...said computer including means for storing at least two predetermined steps that an operator should perform when using said

medical imaging machine used to take a picture of a body part of a patient..." (an excerpt of Claim 77),

nor teach,

"...said computer receiving and storing at least two of the actual steps that the operator performed during the use of said medical imaging machine used to take a picture of a body part of a patient, and said computer comparing said at least two predetermined steps with said at least two actual steps entered into said computer" (Also an excerpt of Claim 77).

Even if the combination of Howson , Dorne and Prince is made it does not do what the present invention does.

Howson Col. 6, lines 27-36 says and I quote, "Programming unit 13 includes a computer 16, preferably a general-purpose computer, that is capable of programming programmable logic unit 18 used to control operation of delivery unit 14 when place a delivery unit 14 (as indicated in FIG. 1). As also indicated in FIG. 1, by way of example, computer 16 preferable has machine program 20 connected therewith, as well as various database 22, assistive programs 24 and pharmacokinetic program 26, as needed, for programming the logic unit, as is brought out more fully hereinafter." Nowhere does Howson suggest, teach or show motivation of a first series of steps that an operator should perform when using a medical imaging machine and storing a second series of steps that set forth what the operator of said medical imaging machine actually performed during the use of said machine and comparing said first series of steps with said second series of steps.

Howson Col. 6, lines 60-68 says and I quote, "The logic cartridge contains the configurable portion of the logic path of the control unit and establishes operation thereof depending upon the contained configuration of logic gates or

states in the delivery unit. Program 20 is a machine program that is used to operate computer 16, and the system transforms the user-provided information into a logic configuration suitable for operating the delivery unit in accordance with the intended deliver requirement of the user.” Nowhere does Howson suggest, teach or show motivation for storing a first series of steps that an operator should perform when using said medical imaging machine. Also, nowhere does Howson suggest, teach or show motivation for storing a second series of steps that set forth what the operator of said medical imaging machine actually performed during the use of said machine and comparing said first series of steps with said second series of steps.

Howson Col. 12, lines 13-38 says and I quote, “It is meant to be realized that the instructions set above set forth is for purpose of illustration of how a particular logic cartridge can be programmed for a particular use according to this invention, and accordingly, this invention is not meant to be limited to the particular instructions set as set forth.

The software which runs on the general computer allows safe and effective dispensing of multiple therapeutic agents in busy environments. The functional flow diagram for effecting programming of a logic cartridge is shown on FIGS. 8A through 8D. As shown, three levels of passwords are utilized, thereby limiting access to qualified individuals; six relevant databases are maintained (thus, cross-checks for safety purposes, as well as comprehensive administrative record keeping, are accomplished at the same time a delivery profile is designed); when profile design is complete, the computer validates the profile to ensure that arithmetic, procedural, or conceptual errors have not been made; the computer allows syringe changes (for the plurality of syringes) to be coordinated (and thus

results in an efficient use of time...". Nowhere does Howson suggest, teach or show motivation of a computer for storing a first series of steps that an operator should perform when using said medical imaging machine. Also, nowhere does Howson suggest, teach or show motivation of storing a second series of steps that set forth what the operator of said medical imaging machine actually performed during the use of said machine and comparing said first series of steps with said second series of steps.

Howson Col. 8, line 58-68 says and I quote, "the electronic controller 56 of control unit 50 also utilizes a read-write memory 58 (see FIG. 4) within the delivery unit to record data about the actual operating history over a time period, for example, a number of days, and can include coding of date and time of day, if desired. Such data are useful for various purposes, including diagnosing hardware problems, recording data of patient-demanded delivery events, recording data on physiologically or blood-level-controlled deliver profiles, and/or compiling data on the patient's compliance with a prescribed delivery schedule." Nowhere does Howson suggest, teach or show motivation of a computer for storing a first series of steps that an operator should perform when using said medical imaging machine. Also, nowhere does Howson suggest, teach or show motivation of storing a second series of steps that set forth what the operator of said medical imaging machine actually performed during the use of said machine and comparing said first series of steps with said second series of steps.

Howson is a fluid injection pump system with a past history. Howson does not suggest, teach or show motivation of a first series of steps that an operator should perform when using a medical imaging machine to produce a picture of a body part of a patient and comparing the steps actually performed by the operator

with those desired.

Prince Col. 12, lines 9-36 says and I quote, "A mechanical injector is preferred because of the greater reliability and consistency when compared to injecting by hand. Since the magnetic field interferes with normal functioning of electronic devices, a pneumatic powered, spring loaded or other non-electric pump may be suitable. It should be noted, however, that as electrical pump may be used if its operation is unaffected by the operation of the magnetic resonance imaging system, e.g., if the pump is adequately shielded or if it is located sufficiently far from the magnet. In one preferred embodiment, the mechanical infusion device 12 is coupled to the magnetic resonance imaging system 16 to facilitate proper or desired timing between the injection of the magnetic resonance contrast agent and the acquisition of the image data, in addition to providing proper or desired rate of infusion of the contrast agent.

In another preferred embodiment, proper or desired timing and rate of infusion of the contrast agent are controlled through a control mechanism as the mechanical infusion device 12. That is, the mechanism that controls the infusion timing and rate of infusion is implemented within the mechanical infusion device 12. In this circumstance, the mechanism infusion device 12, is a "self-contained" unit.

As mentioned above, the infusion device 12 injects the magnetic resonance contrast in a strictly controlled manner." Nowhere does Prince suggest, teach or show motivation of a computer for storing a first series of steps that an operator should perform when using said medical imaging machine and storing a second series of steps that set forth what the operator of said medical imaging machine actually performed during the use of said machine and comparing said first series

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(3) There is not motivation for combining the references

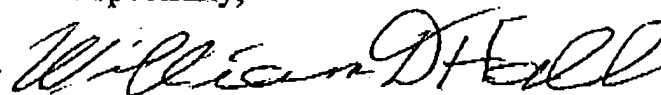
The Examiner has not met the requirements for showing "motivation" for combining references.

Conclusion

It is therefore clear that the claims are not met. The combining of the references does not meet the claims. The claims produce new and unexpected results. There is no suggestions or motivation to combine the references.

The Examiner has not cited anything in the references, or in the prior art, that suggests that of the thousands of patents the three relied on should be selected and combined. Hence, there is no motivation for combining the references. The alleged motivation is clearly hindsight.

Respectfully,



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